

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64427 of 2023

Arising Out of PS. Case No.-351 Year-2020 Thana- PAHARPUR District- East Champaran

1. Yogendra Mahto, Son Of Jag Mahto Resident Of Village - Balua Shoraiya, P.S. - Paharpur, District - East Champaran
2. Lallan Mahto, Son Of Jag Mahto Resident Of Village - Balua Shoraiya, P.S. - Paharpur, District - East Champaran
3. Umesh Mahto, Son Of Narsingh Mahto Resident Of Village - Balua Shoraiya, P.S. - Paharpur, District - East Champaran
4. Harendra Mahto, Son Of Narsingh Mahto Resident Of Village - Balua Shoraiya, P.S. - Paharpur, District - East Champaran
5. Sunila Devi, Wife Of Umesh Mahto Resident Of Village - Balua Shoraiya, P.S. - Paharpur, District - East Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakil Ahmad Khan
For the Opposite Party/s : Mr.Nand Kumar- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 15-04-2024 1. Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in anticipation of their
arrest in Paharpur P. S. Case No.351 of 2020 registered for
the offences punishable under Sections 341, 323, 324, 308,
354, 379, 504 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioners submits
that the petitioners are persons with clean antecedent and
have been falsely implicated in the instant case by the



informant. It is next submitted that the petitioners were on police bail during the period of investigation, but the police in a mechanical manner submitted charge-sheet.

4. It is next submitted that since the petitioners were on police bail, as such, the petitioners should be granted the privilege of anticipatory bail, on which the learned A.P.P. submits that where an accused is on police bail and charge-sheet is submitted, then how the said case is to be adjudicated is well settled by a judgment of this Court in **Mahendra Prasad Singh Vs. State of Bihar reported in 2004 (3) PLJR 491**. It is next submitted that the said judgment was followed in the case of **Sheo Chandra Singh Vs. the State of Bihar reported in 2007 (4) BBCJ 66** and thereafter in **Jagnarayan Yadav and Ors. Vs. the State of Bihar, reported in 2010 (2) PLJR 684**, wherein this Court has very clearly laid the law that once an accused, who is on police bail and charge-sheet comes to be submitted then what steps have to be taken by the learned trial court.

5. In view of the submissions made by the learned A.P.P., the present case is disposed of with a direction to the



petitioners to surrender before the learned trial court on or before 01.05.2024 and the learned trial court shall on the same day dispose of the application keeping in mind the law enunciated by this Court as recorded aforesaid.

6. Accordingly, the anticipatory bail application is disposed of.

(Satyavrat Verma, J)

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